



# NORTH CAROLINA

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## STATE BOARD OF ELECTIONS

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### NUMBERED MEMO 2019-01

**TO:** All County Boards of Elections

**FROM:** Kim Westbrook Strach, Executive Director

**RE:** Response to Subpoenas Issued by the U.S. Attorney's Office for the Eastern District of North Carolina

**DATE:** February 6, 2019

### Production of Records

On August 31, 2018, the U.S. Attorney's Office for the Eastern District of North Carolina issued identical grand jury subpoenas to each of the county boards of elections within its jurisdiction seeking millions of documents including all voting records over a period of years, including ballots that would have to be redacted. The Office also issued a grand jury subpoena to the State Board of Elections & Ethics Enforcement ("State Board") for some of the same records and additional information for all North Carolina's voters maintained within our central system in Raleigh.

On September 7, 2018, I issued Numbered Memo 2018-09 requiring every county board to preserve the documents described in the subpoenas. The Numbered Memo also informed you that, the State Board's members had unanimously exercised their supervisory authority over elections administration under N.C. Gen. Stat. §§ 163A-741(a) and 163A-745 to request that the Attorney General of North Carolina take the steps necessary to quash the subpoenas to the counties and to the State Board (collectively, the "Subpoenas").

The U.S. Attorney's Office agreed to extend the compliance date for responding to the Subpoenas until January 14, 2019. Now, the Attorney General's office has directed the State Board to acquire the records associated with 289 individuals who were previously registered in counties within the Eastern District. These records will be transmitted to the U.S. Attorney's Office in response to the Subpoenas. It is our understanding that this limited production is all that is required at this time.

Accordingly, the State Board Office will be reaching out, individually, to each of the counties in the Eastern District, identifying the records your county may need to retrieve and review so our agency can produce the responsive records on your behalf. Initial indications suggest that more than two-thirds of the prior registrants were already inactive in 2017; that for twenty-two of the affected counties, there were five or fewer registrations; and that no registrants were immediately identified in Bertie, Columbus, Dare, Granville, Hyde, Jones, Northampton, Pamlico, Tyrrell, or Warren counties.

In response to the Subpoenas, the State Board of Elections is also providing registration records on approximately 500 individuals statewide who resided outside the Eastern District of North Carolina.

### Preservation of Records

Out of an abundance of caution, [Numbered Memo 2018-09](#) remains in effect for **all county boards of elections in the State**, and all records identified therein must be retained and preserved. No additional action by the county boards or county attorneys is required at this time.